

**CHADBOURNE  
& PARKE LLP**

Gerald D. Silver, Esq.  
direct tel +1 212 408 5260  
gsilver@chadbourne.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>10/7/11</u>

30 Rockefeller Plaza, New York, NY 10112

tel (212) 408-5100 fax (212) 541-5369

October 5, 2011

**BY FACSIMILE**

Honorable Victor Marrero  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Courtroom 20B  
New York, NY 10007

**Re: Riviera Finance of Texas, Inc. v. Capgemini U.S. LLC, 10 Civ. 5489 (VM)**

Dear Judge Marrero:

We represent defendant Capgemini U.S. LLC ("Capgemini") in the above-referenced action against plaintiff Riviera Finance of Texas, Inc. ("Riviera"). Capgemini has moved (by letter briefs, as ordered by the Court) for summary judgment dismissal of Riviera's claims, and Riviera has cross-moved (similarly by letter briefs) for summary judgment in its favor. We are writing to respectfully request oral argument of the motions, if the Court might find it helpful.

The reasons for this request are as follows. Last week, Riviera requested permission to file a reply in further support of its cross-motion for summary judgment, which was not allowed for in the original briefing schedule set by the Court. The Court granted Riviera's request. On October 4, 2011, Riviera filed its reply letter. In that letter, Riviera for the first time responded to Capgemini's defense to Riviera's estoppel claim, which Capgemini set forth in its initial moving letter. As Capgemini's position on this point went unaddressed in Riviera's initial letter in opposition to Capgemini's motion and in support of Riviera's cross motion, Capgemini has been deprived of its right to respond to Riviera's position on this point. While Capgemini believes that Riviera's estoppel argument is fully addressed and refuted in Capgemini's initial moving letter, Capgemini respectfully requests oral argument to make this clear, and to address any other issues that may be helpful to the Court. We also respectfully suggest that, given the abbreviate nature of the briefing (letter briefs), oral argument may be useful to the Court.

Thank you for your consideration of this matter.

<b>SO ORDERED.</b> Defendant is authorized to submit a reply in support of its motion for summary judgment, by letter brief not to exceed two pages.	
10-6-11	VICTOR MARRERO, U.S.D.J.
DATE	VICTOR MARRERO, U.S.D.J.

Respectfully submitted,

Gerald D. Silver

cc: Michael Spero, Esq. (via E-Mail and Federal Express)